

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of: )  
)  
Broadcast Localism ) MB Docket No. 04-233

To: The Commission

COMMENTS OF Randal J. Miller, president of Miller Communications, Inc., Taylorville, Illinois, the licensee of WTIM-FM Taylorville, IL and WMKR(FM) Pana, IL, pursuant to the Notice of Proposed Rulemaking, MB Docket No. 04-233, hereby submits its comments on the Commission's proposal to require the recording of programming by broadcast stations, and the retention of such recordings.

I own and operate a group of 7 small market radio stations in northwest and central Illinois, and have been a small market radio broadcaster for over 30 years.

The most recent rulemakings the Commission has asked for comments on, frankly frightens me from the standpoint of how am I to pay for:

1. Installing equipment to record all of our programming from 6am to 10pm, on 7 radio stations. I would suggest that only radio stations, regardless of the size, that the Commission has found to air indecent programming, be subject to such recordings. If a licensee has kept their nose clean, they shouldn't be subject to the recording requirement, especially in small markets where installation and maintenance of such recording equipment would be costly and a burden to maintain. The money now spent on providing local radio service, would instead be used to buy and maintain equipment that, if the broadcaster has not had any indecency complaints, would be basically useless.
2. Forcing radio broadcasters to convert from analog to digital transmission, would cost so much it would basically put me out of business. The cost to convert my 7 stations would be over \$350,000, which is so expensive we

may have to sell our stations to a larger group that will likely put all of them on satellite and eliminate the one thing the Commission is focusing on--  
LOCAL PROGRAMMING.

3. And, the thought of the FCC or anyone else, telling any radio broadcaster how much local news, weather, sports or other non-entertainment programming, rolls the clock back 30 years. The marketplace should continue to decide what programming it likes and tunes in for.

I would like to address some of the specific questions the Commission has asked about broadcast localism, and how we serve our communities in our group of stations, and how small market radio serves its communities around the country.

-Are there rules the Commission should adopt to further broadcasters' communications with communities?

Answer: NO. The marketplace has, does, and will continue to determine if a broadcaster is communicating with its communities, by the number of listeners or viewers that station has. The marketplace determines success or failure, and this is one way it does so.

· What qualifies as local programming?

Answer: The Commission got out of determining minimum programming standards, years ago. The Commission has enough to do in regulating our industry, without setting a criteria with which to judge us, relative to whether we as a small market broadcaster, provided what the Commission considers a “minimum” amount of what the Commission would deem as “local” programming.

And, I would like to point out again, that the marketplace does an excellent job of determining whether we as small market broadcasters, are providing “local” programming, by the number of listeners we have. If we don't have listeners, we can't sell advertising, and if we can't sell advertising, we can't survive.

· Should broadcasters be required to air a minimum amount of political and civic discourse?

Answer: NO, for the reasons previously stated. The Commission has enough to do without setting standards for minimum amounts of political

programming, and then have to police 13,000 radio and 2,000 television stations in the United States.

- Should broadcasters be required to make stations available to local emergency EAS managers?

Answer: That should be left up to us as the licensee of a station. In all of our small markets, we make ALL of our stations available to emergency service personnel at anytime, day or night, in the event of any community emergency or disaster. That's what we're here for.

And, since we LIVE in the communities we serve, small market broadcasters have a special commitment to provide our communities this important service.

- Are current payola and sponsorship identification rules sufficient?

Answer: From a small market broadcaster perspective, YES.

- Does voice tracking fit in with broadcasters' localism obligations?

Answer: The Commission should not concern itself whether an announcer on any of my stations is truly "live" or "voice tracked." Again, the marketplace—i.e. the LISTENERS—decide if they want to listen to my stations, and if I don't have LISTENERS I can't sell advertising.

Voice tracking has allowed small market stations to afford to keep providing the service communities expect and demand.

- Should license renewal procedures be changed?

Answer: Yes; it should be made EASIER. The mountain of paperwork and having to hire a communications law firm, to file my applications for license renewal for my 7 stations, is an example of how overburdened small market broadcasters have been put, by the Commission.

Quite simply, unless there have been specific complaints of the lack of service or an FCC violation by any of our stations, we should have our licenses renewed without having to file a mountain of paperwork (even if it's electronically) and have to hire a communications attorney to figure it all out.

- Should there be mid-term reviews of licensees' performance?

Answer: NO. A licensee should have its renewal reviewed at renewal time, if the licensee has had complaints filed against it, or had FCC violations cited, during its license term. At renewal time is when the FCC can hold a licensee's "feet to the fire" in determining how to make that licensee more accountable in the next license term.

· Are there additional steps that can be taken to promote LPFM and are FM translator stations restricting additional LPFM stations?

Answer: In my opinion, LPFM radio stations are a threat to small market AM and FM radio service, because:

1. It interferes with the small class of station—most of which are in small markets, even with 3<sup>rd</sup> adjacent interference protection.
2. Those owning the LPFM radio stations, in many instances across the country that I've heard about, go out and "pretend" they are a commercial station, and sell their "underwriting" just like we small market broadcasters do, thus taking advertising dollars we use to continue to serve our communities.
3. LPFM licensees are not under the public interest or engineering scrutiny that we as commercial broadcasters are, which means, for the lack of a better term, LPFM licensees can "get away" with a lot more than we small market commercial broadcasters can.

In conclusion, I can tell you that in 22 years of broadcast ownership in small market radio stations across Illinois, if I did not provide LOCAL programming to the listeners in the small communities I have and do serve, I WOULD BE OFF THE AIR, because I would not have listenership, which means I would NOT be able to sell local businesses radio advertising. I WOULD BE OFF THE AIR!

My staff and I LIVE in the communities we serve; we send our kids to the local schools; buy our groceries and other needs from the local businesses that advertise on our stations. THESE are the people we are here to serve, and do so every day, day in, day out, without a government mandate to do so.

Broadcast localism is the cornerstone of small market radio, not because the FCC has mandated it; it's because the MARKETPLACE had DEMANDED it and will continue to do so in small markets across the country.

Thank you for allowing me to express my opinion, on the subject of broadcast localism.

Kindest regards,

Randal J. Miller, President

Miller Communications, Inc., licensee of WTIM-FM Taylorville, IL and WMKR(FM) Pana, IL

Kaskaskia Broadcasting, Inc., licensee of WRAN(FM) Tower Hill, IL

Virden Broadcasting Corp., licensee of WKEI(AM)-WYEC(FM) Kewanee, IL, WJRE(FM) Galva, IL, and WGEN(AM) Geneseo, IL

Office: 918 East Park, PO Box 169

Taylorville, IL 62568-0169

Phone (217) 824-3395

Fax (217) 824-3301

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